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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Lauren Price on behalf of herself and all
others similarly situated,

Plaintiff,

v.

Facebook, Inc., and Cambridge Analytica,

Defendants.

CASE NO.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Lauren Price, on behalf of herself and all others similarly situated, alleges
the following against Defendants Facebook, Inc. ("Facebook") and Cambridge Analytica

1 (“CA”) (“Defendants”), based on personal knowledge as to Plaintiff and Plaintiff’s own acts
2 and on information and belief as to all other matters based upon, *inter alia*, the investigation
3 conducted by and through Plaintiff’s undersigned counsel:

4 **SUMMARY OF THE CASE**

5 1. Facebook operates a social networking website that allows people to
6 communicate with their family, friends, and coworkers. Facebook develops technologies that
7 facilitate the sharing of information, photographs, website links, and videos. Facebook users
8 have the ability to share and restrict information based on their own specific criteria. By the
9 end of 2017, Facebook had more than 2.2 billion active users. The company’s mission is “to
10 give people the power to build community and bring the world closer together. People use
11 Facebook to stay connected with friends and family, to discover what’s going on in the
12 world, and to share and express what matters to them.”

13 2. Cambridge Analytica is a privately held company that combines data mining
14 and data analysis with strategic communication for use in the electoral process.

15 3. As part of the sign up process and while interacting with the network,
16 Facebook users create profiles containing significant amounts of personal information,
17 including their name, birthdate, hometown, address, location, interests, relationships, email
18 address, photos, and videos, amongst others, referred to herein as Personal Information.

19 4. This case involves the absolute disregard with which Defendants have chosen
20 to treat Plaintiff’s Personal Information. While this information was supposed to be
21 protected, and used for only expressly disclosed and limited purposes, CA, without
22 authorization, or by exceeding whatever limited authorization it, or its agents, had,
23 improperly collected the Personal Information of nearly 50 million Facebook users.
24 Facebook, for its part, knew this improper data aggregation was occurring and failed to stop
25 it, or actively avoided discovering such knowledge in order to profess supposed ignorance.
26 Plaintiff brings this suit to protect her privacy interests and those of the class.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because the aggregate amount in controversy exceeds \$5,000,000, exclusive of interests and costs, there are more than 100 class members, and at least one class member is a citizen of a state different from Defendants and is a citizen of a foreign state. The Court also has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

6. Venue is proper under 28 U.S.C. § 1391(c) because Defendants are corporations that do business in and are subject to personal jurisdiction in this District. Venue is also proper because a substantial part of the events or omissions giving rise to the claims in this action occurred in or emanated from this District, including the decisions made by Facebook to permit the information aggregation and CA’s collection of the information..

PARTIES

A. Class Representatives

7. Plaintiff Lauren Price is a citizen and resident of Maryland. Plaintiff has held a Facebook account for approximately eight years. Plaintiff recalls that during the 2016 Presidential election, she was frequently targeted with political ads while using Facebook.

B. Defendants

8. Facebook is incorporated in Delaware, and the Company’s principal executive offices are located at 1601 Willow Road, Menlo Park, California 94025. Facebook’s securities trade on the NASDAQ under the ticker symbol “FB.”

9. Cambridge Analytica (“CA”) is a privately held company that combines data mining and data analysis with strategic communication for the electoral process. CA was created in 2013 by its British parent company SCL Group, Limited, and Robert Mercer, reported to be a “secretive hedge fund billionaire” participating in American politics. The Mercer family, known for its far-right conservative positions, reportedly invested millions of dollars in the company, and Rebekah Mercer (Robert Mercer’s daughter) sits on CA’s Board

of Directors.¹ CA co-founder Christopher Wylie stated the company's mission as: "[they] want to fight a culture war in America."² The CA website discloses that it has offices in Washington, DC and in New York³, but upon information and belief, it is neither registered to do business nor is licensed to conduct business in either jurisdiction. In 2015, CA became known as the data analysis company retained by the Ted Cruz presidential primary campaign, but after that campaign faltered in 2016, CA worked for the Donald Trump presidential campaign.⁴ An interview with CA's CEO (Alexander Nix) confirms that the Trump campaign paid for CA's services and that then-candidate Trump was "a good businessman."⁵

FACTUAL BACKGROUND

10. On March 17, 2018, both the *New York Times* and *The Guardian* reported on CA's use of Personal Information obtained from Facebook without permission, and under the pretext of claiming to be collecting and using it for academic purposes. The reports revealed that Cambridge Analytica, a firm brought on by the Trump campaign to target voters online, used the data of 50 million people obtained from Facebook without proper disclosures or permission. The report further stated, in part

[T]he firm harvested private information from the Facebook profiles of more than 50 million users without their permission, according to former Cambridge employees, associates and documents, making it one of the largest data leaks in the social network's history. The breach allowed the company to exploit the private social media activity of a huge swath of the American electorate, developing techniques that underpinned its work on President Trump's campaign in 2016.

But the full scale of the data leak involving Americans has not been previously disclosed — and Facebook, until now, has not acknowledged it. Interviews with a half-dozen former employees and contractors, and a review of the firm's

¹ <https://www.theguardian.com/news/2018/mar/17/data-war-whistleblower-christopher-wylie-faceook-nix-bannon-trump>

² <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>

³ <https://cambridgeanalytica.org/>

⁴ https://en.wikipedia.org/wiki/Cambridge_Analytica

⁵ <https://www.forbes.com/sites/parmyolson/2018/03/20/face-to-face-with-cambridge-analytica-alexander-nix-facebook-trump/#674008da535f>

1 emails and documents, have revealed that Cambridge not
 2 only relied on the private Facebook data but still possesses
 most or all of the trove.

3 (Emphases added.)

4 11. CA did this by posting a survey app on Facebook called “MyDigitalLife,” in
 5 2014. Billed as a “research app used by psychologists” and designed by a Cambridge
 6 academic, it promised to help users better understand their own personalities.

7 12. Approximately 270,000 people downloaded MyDigitalLife, giving Cambridge
 8 Analytica a backdoor to their data and that of all their friends, more than 50 million other
 9 people who, according to Facebook, “had their privacy settings set to allow it.”⁶

10 13. A former contractor with Cambridge Analytica, Christopher Wylie, revealed
 11 how the data mining worked: “With their profiles, likes, even private messages, [Cambridge
 12 Analytica] could build a personality profile on each person and know how best to target them
 13 with messages.”⁷

14 14. Mr. Wylie stated that he had receipts, invoices, emails, legal letters and
 15 records that “showed how, between June and August 2014, the profiles of more than 50
 16 million Facebook users had been harvested.”⁸ These profiles “contained enough information,
 17 including places of residence, that [CA] could match users to other records and build
 18 psychographic profiles.”⁹

19 15. In effect, CA was mounting a campaign of psychological warfare on millions
 20 of hapless victims, without their knowledge or consent. Indeed, of the 50 million Facebook
 21 users victimized by this scheme, “only about 270,000 users – those who had participated in
 22 the [mydigitallife] survey”¹⁰ – had even consented to having their data harvested, and then

23
 24 ⁶ <https://www.forbes.com/sites/parmyolson/2018/03/20/face-to-face-with-cambridge-analytica-alexander-nix-facebook-trump/#674008da535f>

25 ⁷ <https://www.theguardian.com/news/2018/mar/17/data-war-whistleblower-christopher-wylie-faceook-nix-bannon-trump>

26 ⁸ <https://www.theguardian.com/news/2018/mar/17/data-war-whistleblower-christopher-wylie-faceook-nix-bannon-trump>

27 ⁹ <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>

28 ¹⁰ *Id.*

1 only for research purposes, and without any authorization to having their data used to
 2 promote CA's (and the Mercer's), political goal to engage in cultural warfare. Indeed, Mr.
 3 Wylie stated that "...the Facebook data...was 'the saving grace' that let his team deliver the
 4 models it had promised the Mercers."¹¹

5 16. Yet, Facebook itself lies within the penumbra of blame.

6 17. Sandy Parakilas, a "former Facebook platforms operations manager for
 7 policing data breaches by third party software developers between 2011 and 2012," stated
 8 that as many as hundreds of millions of Facebook users are likely to have had their private
 9 information harvested by companies that exploited the same terms as the firm that collected
 10 data and passed it on to Cambridge Analytica."¹²

11 18. Parakilas stated that he warned senior executives at the company that its lax
 12 approach to data protection risked a major breach: "[Parakila's] concerns were that all of the
 13 data that left Facebook servers to developers could not be monitored by Facebook, so
 14 [Facebook] had no idea what developers were doing with the data" and that the company did
 15 not use enforcement mechanisms, including audits of external developers, to ensure data was
 16 not being misused.¹³

17 19. Incredibly, Facebook's "trust model" was rife with security vulnerabilities and
 18 a near total abnegation of its responsibility to audit its own rules limiting use of Facebook
 19 data by third parties. Or, in Parakilas' own words, "[Facebook] felt that it was better not to
 20 know."¹⁴

21 20. That company philosophy apparently has carried on since Mr. Parakila's
 22 departure from Facebook, as amply evidenced by the hijacking of more than 50 million of the
 23 company's profiles by the Cambridge Analytics Defendant. Facebook's stated position—that
 24 "Protecting people's information is at the heart of everything we do"¹⁵—is a far cry from the

25
 26 ¹¹ *Id.*

¹² <https://www.theguardian.com/news/2018/mar/20/facebook-data-cambridge-analytica-sandy-parakilas>

27 ¹³ *Id.*

¹⁴ *Id.*

28 ¹⁵ <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>

1 truth: In fact, Facebook had known about this security breach for two years, but did little or
 2 nothing to protect its users.¹⁶

3 21. On March 19, 2018, *Bloomberg* published an article entitled “FTC Probing
 4 Facebook For Use of Personal Data, Source Says,” disclosing that the U.S. Federal Trade
 5 Commission (“FTC”) is “probing whether Facebook violated terms of a 2011 consent decree
 6 of its handling of user data that was transferred to Cambridge Analytica without [user]
 7 knowledge.” Under the 2011 settlement with the FTC, Facebook “agreed to get user consent
 8 for certain changes to privacy settings as part of a settlement of federal chargers that is
 9 deceived consumers and forced them to share more Personal Information than they
 10 intended.” The article further stated that “if the FTC finds Facebook violated terms of the
 11 consent decree, it has the power to fine the company more than \$40,000 a day per violation.”

12 22. At all relevant times, Facebook has maintained a Data Use Policy on its
 13 website. At all relevant times, the Data Use Policy advised Facebook users, in part:

14 Granting us permission to use your information not only allows us to provide
 15 Facebook as it exists today, but it also allows us to provide you with innovative
 16 features and services we develop in the future that use the information we receive
 17 about you in new ways. While you are allowing us to use the information we receive
 18 about you, you always own all of your information. ***Your trust is important to us,***
 19 ***which is why we don't share information we receive about you with others unless***
 20 ***we have:***

- ***received your permission***
- ***given you notice***, such as by telling you about it in this policy; or
- removed your name and any other personally identifying information from it.

(Emphases added) (https://www.facebook.com/full_data_use_policy).

21 23. The incident has violated the privacy of millions of people in every state. The
 22 privacy and personal, sensitive information of 50 million people is now at high risk for
 23 identity theft and compromise, and will continue to be at risk as a direct result of the acts of
 24 Defendants.

26
 27 ¹⁶<https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>;
 28 <https://www.theguardian.com/news/2018/mar/20/facebook-data-cambridge-analytica-sandy-parakilas>

CLASS ACTION ALLEGATIONS

24. Pursuant to Rule 23(b)(2), (b)(3) and (c)(4) of the Federal Rules of Civil Procedure, Plaintiff, individually and on behalf of all others similarly situated, brings this lawsuit on behalf of themselves and as a class action on behalf of the following class:

All persons who registered for Facebook accounts in the United States and whose Personal Information was obtained from Facebook by Cambridge Analytica without authorization or in excess of authorization.

25. Excluded from the Class are Defendants and any entities in which any Defendant or their subsidiaries or affiliates have a controlling interest, and Defendants' officers, agents, and employees. Also excluded from the Class are the judge assigned to this action, and any member of the judge's immediate family.

26. **Numerosity:** The members of each Class are so numerous that joinder of all members of any Class would be impracticable. Plaintiff reasonably believes that Class members number fifty (50) million people or more in the aggregate and well over 1,000 in the smallest of the classes. The names and addresses of Class members are identifiable through documents maintained by Defendants.

27. **Commonality and Predominance:** This action involves common questions of law or fact, which predominate over any questions affecting individual Class members, including:

- i. Whether Facebook represented that it would safeguard Plaintiff's and Class members' Personal Information and not disclose it without consent;
- ii. Whether CA improperly obtained Plaintiff's and Class members' Personal Information without authorization or in excess of any authorization;

- 1 iii. Whether Facebook was aware of CA's improper collection of Plaintiff's
- 2 and Class members' Personal Information;
- 3 iv. Whether Defendants owed a legal duty to Plaintiff and the Class to
- 4 exercise due care in collecting, storing, safeguarding, and/or obtaining
- 5 their Personal Information;
- 6 v. Whether Defendants breached a legal duty to Plaintiff and the Class to
- 7 exercise due care in collecting, storing, safeguarding, and/or obtaining
- 8 their Personal Information;
- 9 vi. Whether Class members' Personal Information was obtained by CA;
- 10 vii. Whether Defendants' conduct violated Cal. Civ. Code § 1750, *et seq.*;
- 11 viii. Whether Defendants' conduct was an unlawful or unfair business practice
- 12 under Cal. Bus. & Prof. Code § 17200, *et seq.*;
- 13 ix. Whether Defendants' conduct violated § 5 of the Federal Trade
- 14 Commission Act, 15 U.S.C. § 45, *et seq.*,
- 15 x. Whether Plaintiff and the Class are entitled to equitable relief, including,
- 16 but not limited to, injunctive relief and restitution; and
- 17 xi. Whether Plaintiff and the other Class members are entitled to actual,
- 18 statutory, or other forms of damages, and other monetary relief.

19 28. Defendants engaged in a common course of conduct giving rise to the legal
 20 rights sought to be enforced by Plaintiff individually and on behalf of the members of the
 21 class. Similar or identical statutory and common law violations, business practices, and
 22 injuries are involved. Individual questions, if any, pale by comparison, in both quantity and
 23 quality, to the numerous common questions that dominate this action.

24 29. **Typicality:** Plaintiff's claims are typical of the claims of the other members of
 25 their respective classes because, among other things, Plaintiff and the other class members
 26 were injured through the substantially uniform misconduct by Defendants. Plaintiff is
 27 advancing the same claims and legal theories on behalf of herself and all other Class
 28 members, and there are no defenses that are unique to Plaintiff. The claims of Plaintiff and

1 those of other Class members arise from the same operative facts and are based on the same
2 legal theories.

3 30. **Adequacy of Representation:** Plaintiff is an adequate representative of the
4 class because her interests do not conflict with the interests of the other Class members she
5 seeks to represent; she has retained counsel competent and experienced in complex class
6 action litigation and Plaintiff will prosecute this action vigorously. The Class members'
7 interests will be fairly and adequately protected by Plaintiff and her counsel.

8 31. **Superiority:** A class action is superior to any other available means for the
9 fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be
10 encountered in the management of this matter as a class action. The damages, harm, or other
11 financial detriment suffered individually by Plaintiff and the other members of their
12 respective classes are relatively small compared to the burden and expense that would be
13 required to litigate their claims on an individual basis against Defendants, making it
14 impracticable for Class members to individually seek redress for Defendants' wrongful
15 conduct. Even if Class members could afford individual litigation, the court system could
16 not. Individualized litigation would create a potential for inconsistent or contradictory
17 judgments, and increase the delay and expense to all parties and the court system. By
18 contrast, the class action device presents far fewer management difficulties and provides the
19 benefits of single adjudication, economies of scale, and comprehensive supervision by a
20 single court.

21 32. Further, Defendants have acted or refused to act on grounds generally
22 applicable to the Class and, accordingly, final injunctive or corresponding declaratory relief
23 with regard to the members of the Class as a whole is appropriate under Rule 23(b)(2) of the
24 Federal Rules of Civil Procedure.

25 33. Likewise, particular issues under Rule 23(c)(4) are appropriate for
26 certification because such claims present only particular, common issues, the resolution of
27 which would advance the disposition of this matter and the parties' interests therein. Such
28 particular issues include, but are not limited to:

- a. Whether Class members' Personal Information was obtained by CA;
- b. Whether (and when) Facebook knew about the improper collection of Personal Information;
- c. Whether Defendants' conduct was an unlawful or unfair business practice under Cal. Bus. & Prof. Code § 17200, *et seq.*;
- d. Whether Facebook's representations that they would secure and not disclose without consent the Personal Information of Plaintiff and members of the classes were facts that reasonable persons could be expected to rely upon when deciding whether to use Facebook's services;
- e. Whether Facebook misrepresented the safety of its many systems and services, specifically the security thereof, and their ability to safely store Plaintiff's and Class members' Personal Information;
- f. Whether Facebook failed to comply with its own policies and applicable laws, regulations, and industry standards relating to data security;
- g. Whether Defendants' acts, omissions, misrepresentations, and practices were and are likely to deceive consumers;
- h. Whether Defendants' conduct violated Cal. Bus. & Prof. Code § 22575, *et seq.*;
- i. Whether Defendants failed to adhere to their posted privacy policy concerning the care they would take to safeguard ' and Class members' Personal Information in violation of California Business and Professions Code § 22576;
- j. Whether Defendants negligently and materially failed to adhere to their posted privacy policy with respect to the extent of their disclosure of users' data, in violation of California Business and Professions Code § 22576;

CLAIMS ALLEGED ON BEHALF OF ALL CLASSES

First Claim for Relief

Violation of California's Unfair Competition Law ("UCL") – Unlawful Business Practice

(Cal. Bus. & Prof. Code § 17200, *et seq.*)

34. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 333 as though fully stated herein.

35. By reason of the conduct alleged herein, Defendants engaged in unlawful practices within the meaning of the UCL. The conduct alleged herein is a “business practice” within the meaning of the UCL.

36. Facebook represented that it would not disclosure user’s Personal Information without consent and/or notice. It also required application developers, like CA, to obtain and utilize users’ Personal Information in specified, limited ways.

37. Defendants failed to abide by these representations. Facebook did not prevent improper disclosure of Plaintiff’s and the Class’ Personal Information.

38. CA obtained Plaintiff’s and the Class’ Personal Information either wholly without authorization or in excess of any authorization it—or its agents—may have obtained.

39. Defendants’ acts, omissions, and misrepresentations as alleged herein were unlawful and in violation of, *inter alia*, Cal. Civ. Code § 1798.81.5(b), Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and Cal. Bus. & Prof. Code § 22576 (as a result of Facebook failing to comply with its own posted policies).

40. Plaintiff and the Class members suffered injury in fact and lost money or property as the result of Defendants’ unlawful business practices. In particular, Plaintiff and Class members Personal Information was taken and is in the hands of those who will use it for their own advantage, or is being sold for value, making it clear that the information is of tangible value.

41. As a result of Defendants’ unlawful business practices, Plaintiff and the class are entitled to restitution, disgorgement of wrongfully obtained profits and injunctive relief.

Second Claim for Relief

**Violation of California’s Unfair Competition Law (“UCL”) – Unfair Business Practice
(Cal. Bus. & Prof. Code § 17200, *et seq.*)**

42. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 3 as though fully stated herein.

43. By reason of the conduct alleged herein, Defendants engaged in unfair “business practices” within the meaning of the UCL.

44. Facebook stored the Personal Information of Plaintiff and members of the Class in its electronic and consumer information databases. Defendants represented to Plaintiff and members of the classes that their Personal Information would remain private. Defendants engaged in unfair acts and business practices by representing that they would not disclose this Personal Information without authorization, and/or by obtaining that Personal Information without authorization.

45. Plaintiff and the Class members suffered injury in fact and lost money or property as the result of Defendants’ unfair business practices. In particular, Plaintiff and Class members Personal Information was taken and is in the hands of those who will use it for their own advantage, or is being sold for value, making it clear that the hacked information is of tangible value.

46. As a result of Defendants’ unfair business practices, violations of the UCL, Plaintiff and the Class are entitled to restitution, disgorgement of wrongfully obtained profits and injunctive relief.

Third Claim for Relief

Negligence

47. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 3 as though fully stated herein.

48. Defendants owed a duty to Plaintiff and the Class to exercise reasonable care in obtaining and protecting their Personal Information, and keeping it from being compromised, lost, stolen, misused, and or/disclosed to unauthorized parties.

1 49. Defendants knew that the Personal Information of Plaintiff and the Class was
2 personal and sensitive information that is valuable.

3 50. By being entrusted by Plaintiff and the Class to safeguard their Personal
4 Information, Facebook had a special relationship with Plaintiff and the Class. Plaintiff and
5 the Class signed up for Facebook's services and agreed to provide their Personal Information
6 with the understanding that Facebook would take appropriate measures to protect it, and
7 would inform Plaintiff and the Class of any breaches or other security concerns that might
8 call for action by Plaintiff and the Class. But, Facebook did not. Facebook failed to prevent
9 CA's improper obtaining of Plaintiff's and the Class' Personal Information.

10 51. CA had a duty to refrain from obtaining Plaintiff's and the Class' Personal
11 Information in without their consent or authorization.

12 52. Defendants breached their duties by failing to adopt, implement, and maintain
13 adequate security measures to safeguard the Personal Information, or by obtaining that
14 Personal Information without authorization.

15 53. Facebook also breached their duty to timely disclose that Plaintiff's and the
16 other class members' Personal Information had been, or was reasonably believed to have
17 been, improperly obtained.

18 54. But for Defendants' wrongful and negligent breach of their duties owed to
19 Plaintiff and the Class, their Personal Information would not have been improperly obtained.
20 Defendants' negligence was a direct and legal cause of the theft of the Personal Information
21 of Plaintiff and the Class and all resulting damages.

22 55. The injury and harm suffered by Plaintiff and the Class members was the
23 reasonably foreseeable result of Defendants' failure to exercise reasonable care in
24 safeguarding and protecting Plaintiff's and the other class members' Personal Information.
25
26
27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other Class members, respectfully requests that this Court enter an Order:

- (a) Certifying the United States Class and appointing Plaintiff as Class Representative;
- (b) Finding that Defendants' conduct was negligent, deceptive, unfair, and unlawful as alleged herein;
- (c) Enjoining Defendants from engaging in further negligent, deceptive, unfair, and unlawful business practices alleged herein;
- (d) Awarding Plaintiff and the Class members nominal, actual, compensatory, and consequential damages;
- (e) Awarding Plaintiff and the Class members statutory damages and penalties, as allowed by law;
- (f) Awarding Plaintiff and the Class members restitution and disgorgement;
- (g) Awarding Plaintiff and the Class members pre-judgment and post-judgment interest;
- (h) Awarding Plaintiff and the Class members reasonable attorneys' fees costs and expenses, and;
- (i) Granting such other relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury of all claims in this First Amended Consolidated Amended Class Action Complaint so triable.

Dated: March 20, 2018

/s/ Joshua H. Watson
Joshua H. Watson

Attorney for Plaintiffs